

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 449

Introduced by Assembly Member Strickland

February 20, 2007

An act to ~~amend Section 10705 of the Revenue and Taxation Code, relating to taxation~~; *add Section 4005.1 to the Fish and Game Code, relating to trapping.*

LEGISLATIVE COUNSEL'S DIGEST

AB 449, as amended, Strickland. ~~Vehicle license fees. Trapping: mammals.~~

Under existing law, a person who takes fur-bearing mammals or nongame mammals by means of a trap, or who sells furs of those mammals, is required to obtain a trapping license from the Department of Fish and Game. Persons taking mammals injurious to growing crops or other property are exempted from the trapping license requirement, except for those persons providing trapping services for profit, who are required to obtain a trapping license from the department.

This bill would require every person trapping mammals for profit to recommend exclusionary or nonlethal means as the first and preferred alternative whenever possible, over lethal means, for the control of mammals. The bill would authorize lethal control methods to be used only if nonlethal control methods are attempted in good faith and been unsuccessful to address the specific problem at a site, when the customer makes an informed decision preferring lethal control, as specified, or when the public safety is immediately threatened. The bill would require the department to establish regulations for the euthanasia of trapped mammals, as specified, and would required that if a trapped mammal

is to be euthanized, that this be accomplished pursuant to regulations. The bill would authorize the department to permit gunshot to be used when euthanasia methods are not available, as specified. Because a violation of the trapping requirements is a crime under existing law, the bill would impose a state-mandated local program by expanding the definition of a crime.

The bill would provide that it is to become operative only if AB 1477 of the 2007–08 Regular Session is also enacted and becomes effective on or before January 1, 2008.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Vehicle License Fee Law establishes, in lieu of any ad valorem property tax upon vehicles, an annual license fee for any vehicle subject to registration in this state in the amount of 0.065% of the market value of that vehicle, as provided.

This bill would make a technical, nonsubstantive change to that law.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4005.1 is added to the Fish and Game
- 2 Code, to read:
- 3 4005.1. (a) Every person trapping mammals for profit shall
- 4 recommend exclusionary or nonlethal means as the first and
- 5 preferred alternative whenever possible, over lethal means, for
- 6 the control of mammals. Lethal control methods may only be
- 7 utilized by a person providing trapping services for profit if
- 8 nonlethal control methods have been attempted in good faith to
- 9 address the specific problem at a site and nonlethal control
- 10 methods have been unsuccessful, if the customer makes an informed
- 11 decision preferring lethal control pursuant to subdivision (c), or
- 12 if the public safety is immediately threatened.
- 13 (b) (1) Except if the mammal is released or is killed during the
- 14 trapping process, trapped mammals shall be euthanized pursuant
- 15 to methods established by the department pursuant to regulation.

1 (2) *The department shall establish regulations establishing*
2 *methods for the euthanasia of mammals that are no less humane*
3 *than those methods approved pursuant to Appendix 2 of the*
4 *American Veterinary Medical Association's 2000 Report of the*
5 *AVMA Panel on Euthanasia – Acceptable Agents and Methods of*
6 *Euthanasia.*

7 (3) *If euthanasia methods are not available pursuant to*
8 *paragraph (2), the department may authorize the use of gunshot*
9 *pursuant to standards that are no less strict than the conditions*
10 *in Appendix 3 of the American Veterinary Medical Association's*
11 *2000 Report of the AVMA Panel on Euthanasia – Acceptable*
12 *Agents and Methods of Euthanasia.*

13 (c) *A customer may authorize lethal means to be used for the*
14 *control of a target mammal if all of the following are true:*

15 (1) *The customer has been informed of nonlethal alternatives*
16 *to lethal control methods.*

17 (2) *The customer consents to the use of lethal control methods*
18 *and that consent is confirmed in a written wildlife conflict*
19 *management form that complies with Section 4005.3.*

20 (3) *No financial incentive is offered to induce the customer to*
21 *consent to the use of lethal means for the control of a target*
22 *mammal.*

23 SEC. 2. *This act shall become operative only if Assembly Bill*
24 *1477 of the 2007–08 Regular Session is also enacted and becomes*
25 *effective on or before January 1, 2008.*

26 SEC. 3. *No reimbursement is required by this act pursuant to*
27 *Section 6 of Article XIII B of the California Constitution because*
28 *the only costs that may be incurred by a local agency or school*
29 *district will be incurred because this act creates a new crime or*
30 *infraction, eliminates a crime or infraction, or changes the penalty*
31 *for a crime or infraction, within the meaning of Section 17556 of*
32 *the Government Code, or changes the definition of a crime within*
33 *the meaning of Section 6 of Article XIII B of the California*
34 *Constitution.*

35 ~~SECTION 1. Section 10705 of the Revenue and Taxation Code~~
36 ~~is amended to read:~~

37 ~~10705. "Registration year" is the period of time beginning with~~
38 ~~the date the vehicle is first required to be registered in this state~~
39 ~~under the Vehicle Code and ending on the date designated by the~~

- 1 ~~Director of Motor Vehicles for expiration of the registration or the~~
- 2 ~~period of time designated for subsequent renewal thereof.~~

O